

1 BOIES, SCHILLER & FLEXNER LLP
2 RICHARD J. POCKER (NV Bar No. 3568)
3 300 South Fourth Street, Suite 800
4 Las Vegas, NV 89101
5 Telephone: (702) 382-7300
6 Facsimile: (702) 382-2755
7 rpocker@bsflp.com

8 BOIES, SCHILLER & FLEXNER LLP
9 STEVEN C. HOLTZMAN (*pro hac vice*)
10 FRED NORTON (*pro hac vice*)
11 KIERAN P. RINGGENBERG (*pro hac vice*)
12 1999 Harrison Street, Suite 900
13 Oakland, CA 94612
14 Telephone: (510) 874-1000
15 Facsimile: (510) 874-1460
16 sholtzman@bsflp.com
17 fnorton@bsflp.com
18 kringgenberg@bsflp.com

19 Attorneys for Oracle USA, Inc., Oracle
20 America, Inc., and Oracle International
21 Corporation

22 BINGHAM MCCUTCHEON LLP
23 GEOFFREY M. HOWARD (*pro hac vice*)
24 THOMAS S. HIXSON (*pro hac vice*)
25 KRISTEN A. PALUMBO (*pro hac vice*)
26 Three Embarcadero Center
27 San Francisco, CA 94111-4067
28 Telephone: 415.393.2000
Facsimile: 415.393.2286
geoff.howard@bingham.com
thomas.hixson@bingham.com
kristen.palumbo@bingham.com

29 DORIAN DALEY (*pro hac vice*)
30 DEBORAH K. MILLER (*pro hac vice*)
31 JAMES C. MAROULIS (*pro hac vice*)
32 ORACLE CORPORATION
33 500 Oracle Parkway
34 M/S 5op7
35 Redwood City, CA 94070
36 Telephone: 650.506.4846
37 Facsimile: 650.506.7114
38 dorian.daley@oracle.com
39 deborah.miller@oracle.com
40 jim.maroulis@oracle.com

41
42
43
44 UNITED STATES DISTRICT COURT
45
46 DISTRICT OF NEVADA

47 ORACLE USA, INC., a Colorado corporation;
48 ORACLE AMERICA, INC. a Delaware
49 corporation; and ORACLE INTERNATIONAL
50 CORPORATION, a California corporation,

51 Plaintiffs,

52 v.

53 RIMINI STREET, INC., a Nevada corporation;
54 SETH RAVIN, an individual,

55 Defendants.

56 Case No. 2:10-cv-00106-LRH-PAL

57 APPENDIX OF EXHIBITS IN
58 SUPPORT OF PLAINTIFFS' MOTION FOR
59 EVIDENTIARY SANCTIONS FOR
60 SPOLIATION [VOLUME I OF III]

61 REDACTED

62

63

64

65

66

67 Case No. 2:10-cv-00106-LRH-PAL

1

APPENDIX OF EXHIBITS

2 Pursuant to Local Rule 10-3, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and
3 Oracle International Corp. (collectively, “Oracle”) submit this Appendix Of Exhibits in support
4 of their motion for evidentiary sanctions on Defendants Rimini Street, Inc. (“RSI”) and its CEO,
5 Seth Ravin (together, “Rimini”) for spoliation.

6 EX. NO.	7 DESCRIPTION	8 CONF. DESIGN.	9 VOL NO.
1	Excerpt of transcript of March 29, 2011 Status Conference	No designation	I
2	Excerpt of transcript of November 8, 2011 Status Conference	No designation	I
3	Oracle’s Fifth Set of Interrogatories to RSI, served on May 25, 2011	No designation	I
4	RSI’s Second Supplemental Responses to Interrogatories Nos. 24-25, served on November 22, 2011	No designation	I
5	RSI’s Third Supplemental Responses to Interrogatories Nos. 20-22, served on February 6, 2012	Confidential	I
6	RSI’s First Supplemental Ex. 1A-3 to Responses to Interrogatories Nos. 20-22, served on March 9, 2012	Confidential	I
7	Excerpts from RSI’s Second Amended Responses to Requests for Admissions, Set 3, served on January 4, 2012	No designation	I
8	Excerpts from the deposition of Jeff Allen taken on October 18, 2011	Confidential	I
9	Excerpts from the deposition of Douglas Baron taken on May 10, 2011	Confidential	I
10	Excerpts from the deposition of Dennis Chiu taken on June 24, 2011	Confidential	I
11	Excerpts from the deposition of J.R. Corpuz taken on March 15, 2011	Highly Confidential	I
12	Excerpts from the deposition of Kevin Maddock taken on January 6, 2012	Confidential	I
13	Excerpts from the deposition of Seth Ravin taken on July 21, 2010 in <i>Oracle USA, Inc. et al. v. SAP AG et al.</i> , No 07-cv-01658 (N.D. Cal.)	Highly Confidential	I
14	Excerpts from the deposition of Brian Slepko (FRCP 30(b)(6) witness) taken on December 16, 2011	Confidential	I

EX. NO.	DESCRIPTION	CONF. DESIGN.	VOL NO.
15	Excerpts from the deposition of Brian Slepko (personal capacity) taken on December 15, 2011	Confidential	I
16	Excerpts from the deposition of Krista Williams taken on October 5, 2011	Confidential	I
17	Excerpts from the deposition of John Whittenbarger taken on September 27, 2011	Confidential	I
18	Excerpts from the deposition of Douglas Zorn taken on September 16, 2011	Confidential	I
19	March 6, 2009 e-mail from K. Williams [Oracle Depo. Ex. 39]	Highly Confidential	I
20	October 25, 2007 e-mail from D. Baron [Oracle Depo. Ex. 161]	Confidential	I
21	June 29, 2006 e-mail from D. Slarve [Oracle Depo. Ex. 244]	Confidential	II
22	October 5, 2006 e-mail from D. Chiu [Oracle Depo. Ex. 246]	Confidential	II
23	September 13, 2006 instant message between D. Chiu and S. Tahtaras [Oracle Depo. Ex. 247]	Confidential	II
24	February 12, 2007 e-mail from D. Baron [Oracle Depo. Ex. 249]	Confidential	II
25	January 12, 2010 e-mail from K. Williams [Oracle Depo. Ex. 252]	Confidential	II
26	March 12, 2007 e-mail from G. Lester [Oracle Depo. Ex. 253]	Confidential	II
27	July 14, 2009 e-mail from K. Williams [Oracle Depo. Ex. 276]	Confidential	II
28	RSI Consolidated Financial Statements Years Ended December 31, 2010 and 2009 [Oracle Depo. Ex. 418]	Confidential	II
29	January 21, 2007 e-mail from D. Baron [Oracle Depo. Ex. 466]	Confidential	II
30	June 15, 2009 e-mail from K. Williams [Oracle Depo. Ex. 469]	Confidential	II

EX. NO.	DESCRIPTION	CONF. DESIGN.	VOL NO.
31	June 29,2009 e-mail from K. Williams [Oracle Depo. Ex. 470]	Confidential	II
32	July 17, 2009 e-mail from B. Slepko [Oracle Depo. Ex. 480]	Confidential	II
33	January 13, 2010 e-mail from E. Freeman [Oracle Depo. Ex. 482]	Confidential	II
34	January 13, 2010 e-mail from K. Williams [Oracle Depo. Ex. 503]	Confidential	II
35	<i>United States v. TomorrowNow, Inc.</i> , No. 11-cr-00642 (N.D. Cal.), Docket No. 13, TomorrowNow Criminal Plea Agreement filed September 14, 2011 [Oracle Depo. Ex. 606]	No designation	II
36	February 5, 2009 e-mail from S. Ravin [Oracle Depo. Ex. 912]	Confidential	II
37	June 26, 2006 e-mail from D. Chiu [Oracle Depo. Ex. 926]	Confidential	II
38	December 15, 2009 e-mail from S. Ravin [Oracle Depo. Ex. 1385]	Highly Confidential	II
39	Excerpts from June 19, 2009 Memo. of Closing, Series B Preferred Stock Financing [Oracle Depo. Ex. 1389]	Highly Confidential	II
40	December 23, 2008 letter from D. Wall [Oracle Depo. Ex. 1633]	No designation	II
41	October 5, 2009 e-mail from P. Bohn [Oracle Depo. Ex. 1644]	Confidential	II
42	June 18, 2009 e-mail from M. Fleming [ASP004074-81]	Highly Confidential	II
43	June 15, 2009 e-mail from J. Feldman [ASP004082-7]	Highly Confidential	II
44	June 5, 2009 e-mail from P. Colaninno [RSI00023131-2]	Highly Confidential	II
45	June 11, 2009 e-mail from R. Murray [RSI00024428-30]	Highly Confidential	III
46	January 16, 2009 letter from D. Wall [RSI03202162-3]	No designation	III

EX. NO.	DESCRIPTION	CONF. DESIGN.	VOL NO.
47	December 3, 2008 letter from D. Goldfine [RSI03206203-10]	No designation	III
48	December 19, 2008 letter from D. Goldfine [RSI03206928-9]	No designation	III
49	Instant message between E. Freeman and C. Limburg [RSI04084930]	Confidential	III
50	Screenshot of \\rsi-cisvr01\client_software\PeopleSoft [RSI06276320]	Confidential	III
51	Excerpts from the Expert Report of Scott D. Hampton dated March 30, 2012	Highly Confidential	III
52	Excerpts from the Expert Report of Brooks L. Hilliard dated March 30, 2012	Highly Confidential	III
53	Trial Stipulation and Order No. 1 Regarding Liability, Dismissal Of Claims, Preservation of Defenses, and Objections to Evidence at Trial in <i>Oracle USA, Inc. et al. v. SAP AG et al.</i> , No 07-cv-01658 (N.D. Cal.), Docket No. 866, filed September 13, 2010	No designation	III
54	Non-Party Seth Ravin's and Non-Party Rimini Street's Opposition to Oracle's Motion to Compel Seth Ravin to Answer Deposition Questions and to Compel Rimini Street to Produce Documents in <i>Oracle USA, Inc. et al. v. SAP AG et al.</i> , No 09-cv-01591 (D. Nev.), Docket No. 26, filed September 14, 2009	No designation	III

17

18

19

20

21

22

23

24

25

26

27

28